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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,094

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Nobuko Watanabe

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22919

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EXAMINER

UHLENHAKE, JASON S

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/783,094	<b>Applicant(s)</b> WATANABE ET AL.	
	<b>Examiner</b> Jason Uhlenhake	<b>Art Unit</b> 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/20/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 19 and 20 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Applicant discloses an electrooptical device and electronic equipment equipped with an electrooptical device manufactured using the droplet discharge device, but does not include any steps for the use of the droplet discharge device.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19 and 20 provide for the use of a droplet discharge device, but, since the claims do not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19 and 20 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al (U.S. Pat. 6,527,372) in view of Asauchi et al (U.S. Pat. 6,431,676).

***Choi et al discloses:***

- ***regarding claim 1 and claim 12***, condition storage section being configured and arranged to store an optimal weight and velocity of droplets to be discharged from a discharge head (Column 5, Lines 53 – 55); weight measuring section

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configured and arranged to measure the weight of the droplets discharged from the discharge head; speed measuring section configured and arranged to measure the velocity of the droplets discharged from the discharge head (Column 5, Lines 47 – 55; Column 6, Lines 33 – 37)

- waveform adjusting section configured and arranged to read basic drive waveform from the basic drive waveform storage section and to adjust the basic drive waveform to an adjusted drive waveform so that the weight that is measured by the weight measuring section and the velocity that is measured by the speed measuring section substantially match the optimal weight and velocity that are stored in the condition storage section for the adjusted drive waveform (Column 6, Lines 48 – 64)

- ***further regarding claim 12***, a discharge head configured and arranged to form the liquid material into droplets (Abstract); drive control section configured to supply a drive waveform to the discharge head to discharge the droplets (Column 4, Lines 45 – 68)

- ***regarding claims 2 and 13***, a physical property (weight/velocity) acquisition section configured and arranged to acquire physical property values of the droplets discharged from the discharge head; basic drive waveform storage to store a plurality of basic drive waveforms; waveform adjusting section configured and arranged to read basic drive waveform from the basic drive waveform storage section and to adjust the basic drive waveform to an adjusted drive waveform that corresponds to the physical property values acquired by the physical property value acquisition section (Column 5, Lines 47 – 55; Column 6, Lines 33 – 37)

***Choi et al does not disclose expressly the following:***

- ***regarding claims 1, 2, 13***, basic drive waveform storage section being configured and arranged to store a basic drive waveform; adjusted waveform storage section being configured and arranged to store the adjusted drive waveform that is adjusted by the waveform adjusting section;

***Asauchi et al discloses:***

- ***regarding claims 1, 2, 13***, basic drive waveform storage section being configured and arranged to store a basic drive waveform (Abstract; Column 2, Lines 30 – 42), for the purpose of; adjusted waveform storage section being configured and arranged to store the adjusted drive waveform that is adjusted by the waveform adjusting section (Column 4, Lines 12 – 16; Claim 20), for the purpose of generating driving waveforms to actuate driving elements of a print head

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of basic drive waveform storage section being configured and arranged to store a basic drive waveform; adjusted waveform storage section being configured and arranged to store the adjusted drive waveform that is adjusted by the waveform adjusting section as taught by Asauchi et al into the device of Choi et al. The motivation for doing so would have been to generate driving waveforms to actuate driving elements of a print head.

Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al (U.S. Pat. 6,527,372) as modified by Asauchi et al (U.S. Pat. 6,431,676) as applied to claim 1 above, and further in view of Iwamura (U.S. Pat. 6,257,687)

***Choi et al as modified by Asauchi et al discloses all the claimed limitations above except for the following:***

- ***regarding claim 3 and claim 14***, waveform-adjusting section further configured and arranged to correct the basic drive waveform in accordance with a natural period of the discharge head, and adjust the basic drive waveform

***Iwamura discloses:***

- ***regarding claim 3 and claim 14***, waveform-adjusting section further configured and arranged to correct the basic drive waveform in accordance with a natural period of the discharge head, and adjust the basic drive waveform (Abstract; Column 3, Lines 40 – 46; Column 4, Lines 15 – 36), for the purpose of forming, in a stable manner, fine ink drops while maintaining high efficiency

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of waveform-adjusting section further configured and arranged to correct the basic drive waveform in accordance with a natural period of the discharge head, and adjust the basic drive waveform as taught by Iwamura into the device of Choi et al as modified by Asauchi et al. The motivation for doing so would have been to form, in a stable manner, fine ink drops while maintaining high efficiency.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al (U.S. Pat. 6,527,372) as modified by Asauchi et al (U.S. Pat. 6,431,676) as applied to claim 1 above, and further in view of Iwasawa et al (U.S. Pat. 4,908,635).

***Choi et al as modified by Asauchi et al discloses all the claimed limitations above except for the following:***

- ***regarding claim 4***, the physical property value acquisition section is further configured and arranged to acquire at least one of viscosity, surface tension, contact angle, and density as the physical property values of the droplets
- ***regarding claim 5***, the physical property value acquisition section includes a measuring section that is configured and arranged to measure at least one of physical property of the droplets

***Iwasawa et al discloses:***

- ***regarding claim 4***, the physical property value acquisition section is further configured and arranged to acquire at least one of viscosity, surface tension, contact angle, and density as the physical property values of the droplets (Column 2, Lines 5 – 30), for the purpose of preventing recording thickness irregularity due to the difference in characteristic between the nozzles.
- ***regarding claim 5***, the physical property value acquisition section includes a measuring section that is configured and arranged to measure at least one of physical property of the droplets (Column 2, Lines 5 – 30), for the purpose of preventing recording thickness irregularity due to the difference in characteristic between the nozzles.



At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of the physical property value acquisition section is further configured and arranged to acquire at least one of viscosity, surface tension, contact angle, and density as the physical property values of the droplets; the physical property value acquisition section includes a measuring section that is configured and arranged to measure at least one of physical property of the droplets as taught by Iwasawa et al into the device of Choi et al as modified by Asauchi et al. The motivation for doing so would have been to prevent recording thickness irregularity due to the difference in characteristic between the nozzles.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al (U.S. Pat. 6,527,372) as modified by Asauchi et al (U.S. Pat. 6,431,676) as applied to claim 1 above, and further in view of Umetani et al (U.S. Pub. 2003/0193539).

***Choi et al as modified by Asauchi et al discloses all of the claimed limitations except for the following:***

- ***regarding claim 6***, weight measuring section comprises: an electrode configured and arranged to face the discharge head; an oscillator configured and arranged to change frequency in accordance with the weight of a substance deposited on an electrode surface; a frequency counter configured an arranged to measure the frequency of the oscillator; calculating section configured and arranged to calculate the weight of the droplets on the basis of the difference in frequency before and after droplet deposition measured with the aid of the frequency counter

***Umetani et al discloses:***

- ***regarding claim 6***, an electrode (22) configured and arranged to face the discharge head (Paragraph 0045; Figure 3); an oscillator configured and arranged to change frequency in accordance with the weight of a substance deposited on an electrode surface (Paragraph 0007; Claim 1); a frequency counter configured and arranged to measure the frequency of the oscillator (Paragraph 0060); calculating section (35) configured and arranged to calculate the weight of the droplets on the basis of the difference in frequency before and after droplet deposition measured with the aid of the frequency counter (Paragraph 0047; Claim 8), for the purpose of measuring the amount of ink ejected from the recording head with high accuracy.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of an electrode configured and arranged to face the discharge head; an oscillator configured and arranged to change frequency in accordance with the weight of a substance deposited on an electrode surface; a frequency counter configured and arranged to measure the frequency of the oscillator; calculating section configured and arranged to calculate the weight of the droplets on the basis of the difference in frequency before and after droplet deposition measured with the aid of the frequency counter as taught by Umetani et al into the device of Choi et al as modified by Asauchi et al. The motivation for doing so would have been to measure the amount of ink ejected from the recording head with high accuracy.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al (U.S. Pat. 6,527,372) as modified by Asauchi et al (U.S. Pat. 6,431,676) and Iwasawa et al (U.S. Pat. 4,908,635) as applied to claim 1 above, and further in view of Umetani et al (U.S. Pub. 2003/0193539).

***Choi et al as modified by Asauchi et al and Iwasawa et al discloses all of the claimed limitations except for the following:***

- ***regarding claim 7***, compute a viscosity of the droplets with aid of an amplitude-damping characteristics of the oscillator when the droplets deposit on the electrode surface

***Umetani et al discloses:***

- ***regarding claim 7***, compute a viscosity of the droplets with aid of an amplitude-damping characteristics of the oscillator when the droplets deposit on the electrode surface (Paragraphs 0055 – 0056), for the purpose of improving the quality of printing.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of computing a viscosity of the droplets with aid of an amplitude-damping characteristics of the oscillator when the droplets deposit on the electrode surface as taught by Umetani et al into the device of Choi et al as modified by Asauchi et al and Iwasawa et al. The motivation for doing so would have been to improve the quality of printing.

Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al (U.S. Pat. 6,527,372) as modified by Asauchi et al (U.S. Pat. 6,431,676) as applied to claim 1 above, and further in view of Arakawa et al (U.S. Pat. 6,843,548)

***Choi et al as modified by Asauchi et al discloses all of the claimed limitations except for the following:***

- ***regarding claim 8 and claim 15***, the speed measuring section is configured to compute the velocity of the droplets by using the position of the droplets discharged from the discharge head at two different points in time and using the time difference between these two points in time

***Arakawa et al discloses:***

- ***regarding claim 8 and claim 15***, the speed measuring section is configured to compute the velocity of the droplets by using the position of the droplets discharged from the discharge head at two different points in time and using the time difference between these two points in time (Column 5, Lines 12 – 25), for the purpose of printing images with stable accuracy.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of the speed measuring section is configured to compute the velocity of the droplets by using the position of the droplets discharged from the discharge head at two different points in time and using the time difference between these two points in time as taught Arakawa et al into the device of Choi et al as modified by Asauchi et al. The motivation would have been to print images with stable accuracy.

Claims 9, 11, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al (U.S. Pat. 6,527,372) as modified by Asauchi et al (U.S. Pat. 6,431,676) as applied to claim 1 above, and further in view of Suzuki (U.S. Pub. 2002/0005873)

***Choi et al as modified by Asauchi et al discloses***

- ***regarding claim 9 and claim 16***, waveform-adjusting section is further configured and arranged to measure a variation in the velocity of the droplets from a plurality of nozzles of the discharge head (Column 6, Lines 48 – 64)
- ***regarding claim 11 and claim 18***, waveform adjusting section of the basic drive waveform so that the weight and velocity of the droplets substantially match the values stored in the condition storage section (Column 6, Lines 48 – 64)

***Choi et al as modified by Asauchi et al does not disclose expressly the following:***

- ***regarding claim 9 and claim 16***, waveform-adjusting section configured and arranged to change the drive waveform by using at least one of an early electric potential VC, an electric potential VH during expanding a liquid filled unit of the discharge head and an electric potential VL during contracting the liquid-filled unit of the discharge head
- configured and arranged to determine a hold time to maintain the electric potential VH of the basic drive waveform so that the variation is minimal

- **regarding claim 11 and claim 18**, waveform adjusting section configured to determine an electric potential VH and an early electric potential VC of the basic drive waveform

**Suzuki discloses**

- **regarding claim 9 and claim 16**, waveform-adjusting section configured and arranged to change the drive waveform by using at least one of an early electric potential VC, an electric potential VH during expanding a liquid filled unit of the discharge head and an electric potential VL during contracting he liquid-filled unit of the discharge head; configured and arranged to determine a hold time to maintain the electric potential VH of the basic drive waveform so that the variation is minimal (Paragraph 0073), for the purpose of improving the ink discharging performance of the discharge head.

- **regarding claim 11 and claim 18**, waveform adjusting section configured to determine an electric potential VH and an early electric potential VC of the basic drive waveform (Paragraph 0073), for the purpose of improving the ink discharging performance of the discharge head.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of waveform-adjusting section configured and arranged to change the drive waveform by using at least one of an early electric potential VC, an electric potential VH during expanding a liquid filled unit of the discharge head and an electric potential VL during contracting he liquid-filled nit of the discharge head; configured and arranged to determine a hold time to maintain the

electric potential VH of the basic drive waveform so that the variation is minimal; waveform adjusting section configured to determine an electric potential VH and an early electric potential VC of the basic drive waveform as taught by Suzuki into the device of Choi et al as modified by Asauchi et al. The motivation for doing so would have been to improve the ink discharging performance of the discharge head.

Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al (U.S. Pat. 6,527,372) as modified by Asauchi et al (U.S. Pat. 6,431,676) as applied to claim 1 above, and further in view of Matsuo (U.S. Pat. 6,488,349)

***Choi et al as modified by Asauchi et al discloses all of the claimed limitations except for the following:***

- ***regarding claim 10 and claim 17***, waveform-adjusting section is further configured and arranged to determine a hold time to maintain an electric potential VL of the basic drive waveform so that a decrease in the weight of the droplets in a high frequency region of the basic drive waveform is minimal

***Matsuo et al discloses***

- ***regarding claim 10 and claim 17***, waveform-adjusting section is further configured and arranged to determine a hold time to maintain an electric potential VL of the basic drive waveform so that a decrease in the weight of the droplets in a high frequency region of the basic drive waveform is minimal (Column 16, Lines 35 – 48) , for the purpose of improving the ink discharging performance of the discharge head.

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At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of waveform-adjusting section is further configured and arranged to determine a hold time to maintain an electric potential VL of the basic drive waveform so that a decrease in the weight of the droplets in a high frequency region of the basic drive waveform is minimal as taught by Matsuo et al into the device of Choi et al as modified by Asauchi et al. The motivation for doing so would have been to improve the ink discharging performance of the discharge head.



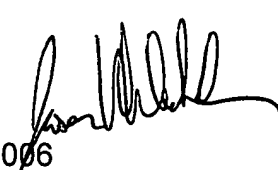
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Uhlenhake whose telephone number is (571) 272-5916. The examiner can normally be reached on Monday - Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSU  
June 23, 2006



 6/06  
K. FEGGINS  
PRIMARY EXAMINER